

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
CARLOS ALBERTO DEL VALLE LABOY
JESELLE MARRERO ROSA

DEBTOR (S)

CASE NO. 11-06470-BKT

CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,900.00 Fees paid: \$0.00 Fees Outstanding: \$2,900.00
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With respect to the proposed (amended) Plan dated: **September 27, 2011** (Dkt 23). Plan Base: **44,620.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Fails Disposable Income Test : Unreasonable Expenses; Unwarranted payroll Deductions; Fails to use Income Tax refunds and Others. [§1322(a)(1) & §1325(b)(1)(B)]

Debtors have listed a monthly payment of \$580.00 for child care in Schedule J of the bankruptcy petition (Docket 1). During the creditors meeting, however, Ms. Marrero informed that she is currently not working. In light of this, an expense for child care is unnecessary at this time and, therefore, it is an unreasonable expense. Debtors must eliminate such expense from Schedule J of the bankruptcy petition and increase plan payments accordingly.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this October 07, 2011.

/s/ Alexandra Rodriguez -Staff Attorney

JOSE R. CARRION
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